

1884-023 Chancery Causes: Alexander C. Morris vs. James J. Hobbs  
Lee Co.

CA-Debt  
T-Property



To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County Virginia

Humbly complaining your Orator Alexander  
C. Morris a citizen of said county would respectfully  
show unto your Honor that one James J. Hobbs  
is justly indebted to him in the sum of \$799.60  
as is evidenced and shown by Eight several bonds  
under seal and herewith filed as a part of this bill  
marked respectively A, B, C, D, E, F, G, & H.

The said bond marked (A) is dated Dec. 19-1882 and  
by it the said James J. Hobbs undertook and promised  
on day after the date thereof for value received in  
land to pay to your Orator the sum of \$32.00

The said bond marked (B) is dated Feb. 14-1883 and  
by it the said James J. Hobbs undertook and promised  
by the 5th day of March then next following for value  
received ~~in land~~ to pay to your Orator the sum of \$25.00  
on the back of which is endorsed a credit of \$6.00 paid  
March the 1st 1883. The said bond marked (C) is dated  
Dec. 19th 1882 and by it the said James J. Hobbs promised  
by the first day of Nov. then next following to pay to  
your Orator fifteen dollars in Sound young property  
at cash value, for value received in land.



The first day of Nov. 1883. having failed, and the property contemplated to be paid in discharge of said bond, not having been paid, or tendered to be paid Your Orator is advised that the said sum of ~~fifteen~~ dollars has become a money debt and is now payable in that commodity alone. The said bond marked (D) is dated Dec. 19-1882 and by it the said James J. Hobbs promised by the first day of Nov. then next following to pay to your Orator the sum of Twenty three dollars and 75 cents with interest from date, for value received in land. The said bond marked (E) is dated Dec. 19-1882 and by it the said Hobbs undertook and promised by the first day of Nov. then next following to pay to your Orator the sum of four hundred dollars with interest from date, for value received in land. And on the day said bond bears date, said Hobbs paid your Orator the sum of \$103.85, which is credited on the back of said bond.

The said bond marked (F) is dated Dec. 19-1882 and by it said Hobbs promised and agreed by the first day of Nov. 1884. to pay to your Orator the sum of One hundred and three dollars, and 85 cents with interest from the date of said bond, for value recd. in land,



The said bond marked (G.) is dated Dec-19-1882 and by it said Hobbs promised to pay your Orator by the 1st day of Nov. 1885 the sum of One hundred dollars with interest from date for value recd in kind.

The said bond marked (H.) is dated Dec-19-1882 & by it the said Hobbs promised to pay your Orator by the first day of Nov. 1886 the sum of One hundred dollars with interest from date for value recd in kind.

Thus your Honor will see that of the sum first herein mentioned \$757.60 thereof bears interest from Dec-19-1882 \$25.00 from March 5th 1883 and \$15.00 the residue from Nov. 1st 1883, of which sum \$32.00 was payable Dec-20th 1882, \$25.00 the 5th day of March 1883, \$438.75 Nov. 1-1883 <sup>will become payable</sup> \$103.85 Nov 1-1884, \$100.00 Nov. 1st 1885 and \$100.00 Nov. 1-1886 and the said Hobbs in each of said bonds waived the benefit of his homestead exemption

Your Orator now states that subject to the two credits before mentioned, the residue of said eight bonds is unpaid and is due and to become due your Orator from said Hobbs no other or further part having been paid thereon by him or any one else for him.

Your Orator further states that said several bonds were executed to him <sup>by said James F. Hobbs.</sup> for the purchase price of a certain piece or parcel of land supposed to contain about 140



acres, lying on the waters of the north fork of Powell's river,  
in the Crab Orchard in Lee County Virginia, and which  
consists of three separate parcels adjoining each other  
adjoining the lands of Alfred Witt & others.

This sale of land was made by your Orator to said Hobbs  
on the 19<sup>th</sup> day of December 1882 and at that time  
your Orator executed to said Hobbs what is generally known  
as a title bond by which he bound himself to convey to  
said Hobbs said land when the purchase money therefor  
should be paid. And your Orator is now ready and  
willing to comply with his part of the contract.

At the time of this bargain and sale your Orator put  
the said Hobbs into the possession of the land so sold him  
and soon thereafter said Hobbs leased or rented the same  
to a tenant for the year 1883. who is now in the possession  
thereof. ~~being~~ Your Orator further states that a  
short time ago the said James J. Hobbs absconded from  
the Commonwealth of Virginia carrying with him  
as he supposes your Orator's title bond, and has become  
a citizen of the State of Tennessee as your Orator is informed.

Your Orator states that he is advised that the debt  
incurred referred to constitutes a lien on the tract of land  
sold by your Orator to said Hobbs, and since the latter  
has fled from the state that he has the right to



proceed against said Hobbs. for that part of said purchase money not yet payable, as well as that part already due and payable, and that taken together, they constitute such lien on said land, as that a court of equity will enforce the same, and to obtain that end is the object of this bill. Your Orator therefore prays that said James J. Hobbs be made defendant to this bill and be required to answer the same fully and truly on oath. That process of foreign attachment be issued and the same laid on said land, that order of Publication be entered posted and published against said Hobbs. and that upon a hearing of the cause a decree be rendered in favor of your Orator against said Hobbs. for the sum before specified, with interest as before stated, and the cost of suit, subject to the two credits before stated, and that said land or so much thereof as may be necessary may be decreed to be sold as will pay the same. And if your Orator is in any wise mistaken in his Special prayer. Then he prays for such general relief as it is proper for a court of equity to grant. May be remembered the writ of Sum. issue directed to  
Henry J. Morgan for Cliff



May 1884

L 4.11

J 1.50

S - 50

A 15.00

P. 5.00

26.21

Alexander C. Morris

vs  $\frac{1}{3}$  Bill

James J. Hobbs.

1883. Nov. Bill filed

" Decr. order Pub & Conts.  
1884 Jan. Spas exed, with  
attachment & cont'd.

Febry Cont'd for. O.P.

" March O.R. Completed and  
cause set for hearing.

" March Decree & Cont'd

" Aug Decree Final



|                     |      |               |
|---------------------|------|---------------|
| Alexander B. Morris | Plff | } In Chancery |
| vs.                 |      |               |
| James J. Hobbs      | Def  |               |

This cause came on again further to be heard, on this day on the papers heretofore read in in the cause, and the report of Special Commissioner Henry J. Morgan filed in the cause Sept the 8 1884 showing the sale of land in the bill mentioned, and was argued by counsel. And the said report of sale being unaccepted to, It is adjudged ordered and decreed that said report of sale be confirmed. and it appearing by said report that the plaintiff is the purchaser of said land at the price of \$400.00 as of May 20 1884 and that the costs of suit and sale is \$44.00 leaving as nett proceeds \$356.00 as of the last named day, and that the title to said land is in the Plff. It is further adjudged ordered and decreed that the debt decreed the plaintiff against the deft on the 27th day of March 1884 be credited by said sum of \$356.00 as of May the 20-1884 that the three notes (A. B & C) for said last named sum, be canceled and delivered to the plaintiff, that the title bond given by the plaintiff to the deft. for a title to said land be canceled. and no further action being necessary in this cause the same is stricken from the docket,



Alexander C. Morris

vs. { Decree No 2 final

James J. Hobbs

Entered page 387.

J. A. Hyatt C.C.

Order

J. C. K.

aug 26/84



Alexander C. Morris Plff  
vs.  
James J. Hobbs. Dft.

In Chancery

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for proof filed by the defendant, and was argued by counsel on consideration thereof it is adjudged ordered and decreed that the plaintiff recover of the defendant \$799.60 the aggregate amount of the several bonds in the bill mentioned with legal interest on \$759.60 part thereof from the 20th day of Decr. 1882, and the like interest on \$25.00 a further part thereof from the 6th day of March 1883 and the like interest on \$15.00 the residue thereof from the 1st day of Nov. 1883. till paid and the costs of this suit. Subject to the following credits \$103.85 paid Decr. 19 1882 and \$6.00 paid the March 1- 1883. And it further appearing to the court that the sum above decreed the plaintiff is for the purchase money due him for the tract of land in the bill mentioned sold by the plaintiff to the dft on the 19th day of Decr. 1882 and that said sum constitutes the vendors lien thereon. And that said land has also been attached by process of foreign attachment in this cause, It is therefore further adjudged ordered & decreed



that unless the sum now due and payable to the Plff  
be paid to him by the Defendant or some one for him  
within 20 days from the rising of the court, then that  
said tract of land be sold or so much thereof as may  
be necessary to pay the sum above due and the Plff.

Said sale shall be made after the same shall have been  
by Posting an advertisement at the court house door  
advertised 30 days prior thereto showing the time terms &  
by place of sale, and the same shall be at the front door

of the court house at Public Auction to the highest bidder

At such sale so much cash will be received in hand  
as will pay the costs of suit and sale and as to the  
residue it shall bear interest from date, and one third  
of such residue shall be payable Nov 1 1884. another third  
Nov 1 1885 and the residue Nov 1 1886. And Henry J

Morgan is appointed a commissioner to make said  
sale who is directed to take bonds for the deferred payment  
into with good security payable to himself as commissioner  
and he will report his action to the court from time to time

But the plaintiff in order to entitle himself to the benefit  
of this decree is required to enter into bond with  
good security in the penalty of \$1000. with condition  
to perform such further order as may be made upon the  
appearance of the defendant and his making defence  
and the cause is continued



Alexander C. Morris

vs. { Decree 107

James J. Hobbs

Executed page 371.

Dec 4, 1844  
J. C. H. H. H. H. H.

How should notes  
be given

Enter this

In A. K.

Mar 27/44



Alexander C. Morris

Plff

vs.

James J. Hobbs

Def

In Chancery,

I ~~the said~~ Alexander C. Morris plaintiff in  
a chancery suit instituted by ~~me~~ <sup>me</sup> in the circuit  
court of Lee county Virginia against James J. Hobbs  
do solemnly swear that in said suit I ought to  
recover against said Hobbs \$799.60 at the least with  
interest on \$25.00 thereof from March the 5th 1883 and  
on \$15.00 from Nov. 1-1883. And on \$759.60 from Dec. 19/82  
till paid Subject to a credit of \$103.85 paid Dec. 19. 1882  
and \$6.00 paid March 1-1883. that I have present  
cause of action against said Hobbs therefore that said  
Hobbs is not a resident of Virginia, but that he  
is the owner of a tract of land of 140 acres lying  
in said county of Lee sold by affiant to him which  
is liable for said debt as I am informed & believe  
so helps me God.

Alexander C. Morris

Sworn to before me by

A. C. Morris Nov. 2 1883.

Henry J. Morgan Com.



A.C. Morris

no. { Affd.

James J. Hobbs



Alexander B. Morris Pff

vs.

James J. Hobbs

Def't.

In Remembrance.

To the Hon. John A. Kelly Judge of the Circuit  
Court of Lee County Virginia:

As directed by a decree entered in this cause  
on the 27<sup>th</sup> day of March 1884. I proceeded on  
the 20<sup>th</sup> day of May 1884. After having advertised  
the land in the bill mentioned to be sold on the first  
day of the May county court, in the manner directed  
by said decree to offer for sale to the highest bidder  
the said tract of land on the terms prescribed by  
the said decree. When the Pff Alexander B. Morris  
offered therefor the sum of four hundred dollars  
and that being the highest and best price offered  
for the same, the said Morris became the purchaser  
thereof at that price, the said Morris thereupon  
paid me the costs of suit of \$26.50 and \$17.50 com-  
mission, amounting in the aggregate to \$44.00, and  
this deducted from the purchase price leaves the sum  
of \$356.00 as the net proceeds of said sale. And  
said Morris with John A. G. Hyatt as his security  
thereupon executed to me as comt. their three bonds  
for the sum of \$118.66  $\frac{2}{3}$  each, with interest from date  
which are herewith filed marked A. B. & C. The first of  
which becomes payable Nov. 1-1884, the second Nov. 1  
1885 and the third Nov. 1-1886. & The security is ample.

While the land brought at this sale much less  
than it was originally sold for, still I think from



what I learn of it, it has been sold for as much  
as it will bring at public sale for years to come  
and thus believing I recommend the confirmation  
of said sale

The Poff being the purchaser of the land and the title thereto being in issue. If the sale is confirmed nothing remains to be done. But to direct said three notes to be delivered to the Poff, that the decree of the 27<sup>th</sup> of March last be ordered to be credited by \$356.00 as of May the 20<sup>th</sup> 1884. The bond for a title to said land executed by the Poff to the Dept be canceled & the cause stricken from the docket.

The following table shows this transaction

|   |  |                  |
|---|--|------------------|
|   | Gross amount of sales - - -                          | \$ 400.00        |
| 1 | By amount paid clerk his fees                        | \$ 6.50          |
| 2 | " " Printer for Publication                          | 5.00             |
| " | Attorneys fee returned                               | 15.00            |
| " | Commission   | <u>17.50</u>     |
|   |  | 44.00            |
|   | Nett proceeds of sale this sum                       | \$ 356.00        |
| A | Note payable Nov. 1. 1884 Int from May 20/84 118.66% |                  |
| B | " " " 1885 " " " 118.66%                             |                  |
| C | " " " 1886 " " " 118.66%                             | <u>\$ 356.00</u> |

Respectfully Submitted

Henry J. Morgan Esq.  
May 20 1884.



A. B. Morris

20 3/4 Cant. Report of Sale

Jas J Hobbs

Filed Aug. 8<sup>th</sup> 1884

J. A. Hyatt  
clerk



Received of A. C. Morris Six Dollars  
\$30 in full of my fees and the writ  
Tax in a Chancery Cause of said  
Morris vs James J. Hobbs - which  
includes a fee for dismissing the  
said Cause, May 20<sup>th</sup> 1884.  
J. A. Hyatt cler



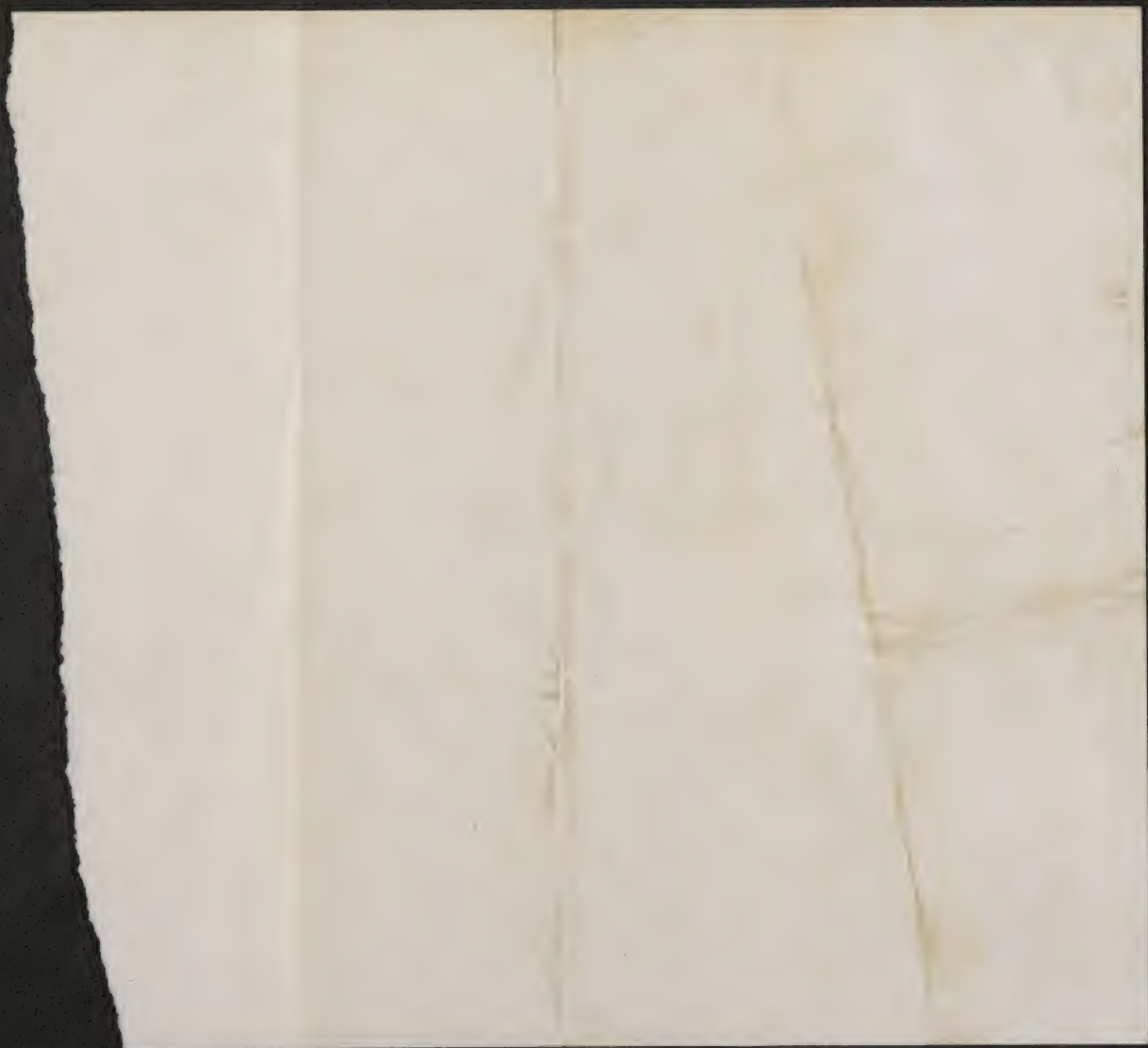




Received of H. J. Morgan  
\$ 5.00 in full of fee  
for Order of Publication  
in the Chancery Cause of  
A. C. Morris vs. Jas J. Hobbs  
this May 20<sup>th</sup> 1884.

J. R. Stickley.







\$32.00 One day after date  
I promise to pay C. B. Morris  
thirty two dollars for value  
received of him in lands  
and I hereby waive as to this  
debt the benefit of my home-  
stead exemptions witness  
my hand and seal this Dec.  
19 1882 James J. Hobbs



I assign the within note over  
to T. G. Morris this Jan. 22-1883  
at Morris's

I assign the within note over to  
at Morris's this Oct. 8-1883  
T. G. Morris

£



\$ 25.00 By the 5 day of March  
next I promise to pay E. C.  
Morris twenty five dollars  
for value received of him and  
as to this debt I waive the  
benefit of my homestead  
exemption witness my  
hand and seal this the 14-  
day of Feb. 1883

James J. Holby (seal)



March 1st 1823 by  
Haulin O Mc Harris To Scott  
County six dollars

(B)



\$15.00 By the first day of Jan.  
next I promise to pay E. H.  
Harris fifteen dollars  
in sound young property  
at cash value for value  
received of him in land and  
I hereby waive as to this debt  
the benefit of my homestead  
exemptions witness my hand  
and seal this Dec. 19 - 1882

James J. Hobbs



(6)

I assign the within note over  
to J. G. Allen & Co. Jan. 2 - 1883

At Collar's  
I assign the within note over  
to At Collar's this Oct. 8 - 1883  
J. G. Allen

\$23.75 By the first of Nov.  
next I promise to pay A. C.  
Morris twenty three dollars  
& 75 cents with interest from  
date for value received of  
him in land and I waive as  
to this debt the benefit of my  
homestead exemption as witness  
my hand & seal this Dec. 13-1883

James J. Hobbs (seal)



(S)

\$400.00 By the first-day of  
Nov. next I promise to pay  
A. C. Morris four hundred  
dollars with interest from  
date for value received of him  
in lands and I hereby waive  
as to this debt the benefit of  
my homestead exemption with my  
hand and seal this Dec. 11 1882

James J. Hobbs

true



I assign the within note over  
to T. G. Morris this Jan. 22. 1883  
T. G. Morris

I assign the within note over to  
T. G. Morris this Oct. 8 - 1883  
T. G. Morris

(50)

Dec. 17-1882 for the within note  
to the bank of the State of N.Y.  
8/10/83

\$103.85 By the first day of  
Nov. 1884 I promise to pay  
Chas. C. Harris one hundred &  
three dollars and eighty five  
cents with interest from date  
for value received of him in  
land and I hereby waive  
as to this debt the benefit  
of my homestead exemptions  
witness my hand and seal this  
Dec. 13-1882

James J. Hobbs (seal)



I assign the within note over  
to T. G. Morris this Jan. 22-1883

T. G. Morris

I assign the within over to T. G.  
Morris this Oct. 8-1883

T. G. Morris

(7)

\$100.00 By the first day of  
Nov. 1885 I promise to pay  
E. C. Morris one hundred  
dollars with interest from  
date for value received of  
him in lands and I hereby  
waive as to this debt the  
benefit of my homestead  
exemptions witness my <sup>hand</sup> and  
date this Dec. 19-1882

James A. Hobbs



I assign the ~~the~~ within note over  
to J. G. Morris. This Nov. 1883

at Morris's

I assign the within note over to  
at Morris's this Oct. 8. 1883  
J. G. Morris

(81)

\$100.00 By the first day of  
Nov. 1886 I promise to pay  
Chas. Harris one hundred  
dollars with interest from  
date for value received of  
him in lands and I hereby  
waive as to this debt the  
benefit of my homestead  
exemptions witness my hand  
and seal this Dec. 19-1882

James J. Hobbs (seal)



I assign the within note over to  
J. H. Harris Sept 22 - 1883

J. H. Harris

I assign the within note over  
to J. H. Harris Oct. 8 - 1883  
J. H. Harris

(F)

The 8 Bonds referred to  
in the Bill is herein enclosed  
marked

A, B, C, D, E, F, G, & H.



I now all men by these presents  
that we Alexander C. Harris and Elkanah  
Barker are held and firmly bound  
unto the Commonwealth of Virginia in  
the just and full sum of \$1000.00 well and  
truly to be paid unto the said Commonwealth  
for which we bind ourselves heirs  
and assigns - and we as to this  
obligation waive our homestead  
exemptions, in witness whereof we  
herunto set our hands and seals  
this 22 day of April 1884.

The Condition of the above ob-  
ligation is such that whereas the  
said Alexander C. Harris obtained  
a decree in the Chancery Cause of  
said Harris vs James Hobbs for  
the sale of certain lands,

Now therefore should the said  
Harris pay all costs and damages  
which may be awarded by any  
future order of the Circuit Court, on  
the appearance of the said defendant  
upon his appearance and making  
defense in the above Cause. Then  
this obligation to be void otherwise <sup>full force and virtue</sup>

Alexander C. Harris Seal  
Elkanah C. Barker Seal

A. C. Morris

25 } Dec 26

James Noble

Filed April 23 1854

Sept 1854



Virginia

In the Clerk's office of the Circuit Court  
for Lee County, on Thursday the 6<sup>th</sup>  
day of December 1883.

Alexander C. Morris Plaintiff

vs

James J. Hobbs

Defendant

In Law

The object of this suit is to  
recover against the Defendant the  
sum of \$799.60 with interest, on \$25.00  
part thereof from the 5<sup>th</sup> March 1883, and  
on \$15.00 part thereof from Nov 1<sup>st</sup> 1883, and  
on \$759.60 the residue thereof from the 19<sup>th</sup>  
Decr. 1882 till paid, and to subject to  
the payment thereof the land in the  
bill mentioned which has been  
attached for that purpose and it appearing  
from an affidavit filed in this cause  
that the Defendant James J. Hobbs is a  
non resident of this State:- it is  
ordered that he appear here  
within one month after due pub-  
lication of this order to do what  
may be necessary to protect his  
interest in this suit.

J. A. Hyatt  
Clerk

Alexander C. Morris.

vs <sup>3</sup>/<sub>3</sub> Order Pub.

James J. Hobbes

I certify that I  
delivered to the Lee  
Co. Sentinel an official  
copy of the within order  
of Publication, for publica-  
tion therein, and that I  
also posted a like copy  
thereof at the Court  
house of Lee County  
at the Decr. Term of  
the County Court  
thereof. J. A. Wyatt  
clerk



# THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*James J. Hobbs*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

*January*

next being rule day to answer a bill in chancery exhibited in our said Court against

*him*

by

*Alexander L. Harris*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

*6<sup>th</sup>*

day of

*December*

1883

, in the 10

8 year of the Commonwealth.

*J. A. G. Hyatt*

Clerk

The proper affidavit having been made in cause  
the officer serving this writ, is ordered to  
attach the land lately sold by the Plaintiff  
to the Defendant, which lies in the Crab  
orchard Lee County Va. and the same  
in his hands so attached, hold subject to  
the order of the Court. J. A. Wyatt  
Dec. 6 1883. Clerk

(J. J. M)

Alexander C. Morris  
vs <sup>3</sup> Spain Chcy  
James J. Hobbs  
To January Rules 1884

Not executed on the debt of  
J. Hobbs he being a non-resident  
of the State of Virginia as  
I am informed and believe.  
But as directed by the order  
herein endorsed, I have lined  
this attachment as a tract  
of land supposed to contain  
140 acres lying in the Crab  
orchard on the head waters  
of the north fork of Powell's  
river and which was  
sold by the Plaintiff to the debt.  
Dec. 19<sup>th</sup> 1883.

R. D. Harvey S. C. C.



VIRGINIA :—In the Clerk's office of  
the Circuit Court for Lee county,  
on the 6th day of December, 1883.

Alexander C. Morris, Pltff } In  
vs } Chancery.  
James J Hobbs, Def't }

The object of this suit is to recover against the defendant the sum of \$799 60, with interest on \$25 part thereof from March 5th, 1883, and \$15 another part thereof from November 1, 1883, and on \$759 60 the residue thereof from the 19th December, 1882 till paid; and to subject to the payment thereof the land in the bill and proceedings mentioned, which has been attached for the purpose: And it appearing from an affidavit filed in the cause that the defendant James J Hobbs is a non resident of the State of Virginia; it is ordered that he appear here within one month after due publication of this order and do what may be necessary to protect his interest in this suit.

A copy, teste: J A G HYATT, Clerk.  
H J Morgan, P Q                      dec 6 4w

This is to Certify that the Chy. order of which  
the above is a copy was published four  
successive weeks in the "Lee County Stu-  
tural" a weekly newspaper published  
in the town of Jonesville Ga. Given  
under my hand this March 25<sup>th</sup> 1884  
F. R. Stickney, Pub<sup>r</sup>.



A. C. Morris  
as  $\frac{3}{3}$  Pub. Conf.  
J. J. Hobbs

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fee \$5.00